

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv225**

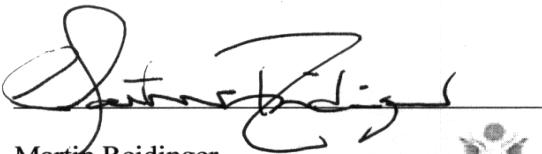
HELEN CLIETTE HOUYEY and )  
EMMANUEL HOUYEY, )  
Plaintiffs, )  
vs. ) ORDER  
CAROLINA FIRST BANK, TD BANK, )  
Defendants. )

**THIS MATTER** is before the Court on the Response of Steven G. Tate,  
Standing Chapter 13 Trustee [Doc. 50].

The Chapter 13 Trustee has advised that in his opinion, both he and the Plaintiffs have standing to prosecute this action. He further advised that having considered the costs of this litigation versus the potential benefit to the bankrupt estate, he will not pursue this action. The Court finds that its previous rulings dismissing claims as well as the Trustee's opinions in this regard may have influenced the Plaintiffs' decision concerning further pursuit of this litigation. As a result, it will provide the Plaintiffs with an opportunity to so advise.

**IT IS, THEREFORE, ORDERED** that on or before fifteen (15) business days from entry of this Order, the Plaintiffs shall advise the Court in writing not to exceed two double spaced pages in length of their intention to pursue or to dismiss this action. The Plaintiffs are hereby specifically advised that failure to comply with this Order may result in the dismissal of this action without prejudice without further notice.

Signed: September 13, 2012



Martin Reidinger  
United States District Judge

